

REMARKS/ARGUMENTS

Claims 1-65 were pending in the present application. Of them, claims 15-27, 38-47 and 57-65 were withdrawn as being drawn to non-elected subject matter.

In the June 28, 2007 Office Communication, the Primary Examiner divided the claims into two groups and stated that “Applicant must elect a single invention for prosecution.” In response, Applicant elected with traverse Group I, claims 1-14, 28-37 and 48-56 for prosecution on July 27, 2007.

In the November 16, 2007 Office Communication, a further election of species was required. Specifically, the Primary Examiner asserted that “Applicant claims a method of discriminating agents using a decision tree. Each type of distinct agents utilized; each type of distinct conditioned environments used and each type of decision tree[s] used represents a variable of the claimed invention. Therefore, [A]pplicant much elect one species of the claimed invention by electing:

1. Type of decision tree[s];
2. Type of agent[s] to be discriminated; and
3. Type of conditioned environment[s] used.

Applicant must elect one from each of the three groups and as such will be electing 1 species of the claimed method for examination.”

Applicant appreciates very much the Primary Examiner’s preliminary review of the instant application.

In response, Applicant hereby elects *with traverse* one species of each of the above three groups of Group I invention, i.e., claims 1, 4, 6, 8-10, 13, 14, 28, 31, 33-37, 48, 51 and 53-56 for prosecution.

Applicant further respectfully requests at least the remaining claims of Group I invention, claims 2, 3, 5, 7, 11, 12, 29, 30, 32, 49, 50 and 52, be examined together with claims 1, 4, 6, 8-10, 13, 14, 28, 31, 33-37, 48, 51 and 53-56 for reasons set forth below.

Claims 2-5, 29-32 and 49-52 recite different types of agents to be discriminated using the same method as recited in claims 1, 28 and 48, respectively. Claims 7 and 8 recite the same step of selecting logic for classification of a Neuro and Viral different agent, respectively, which is

utilized in the method of claim 1. Claims 9, 11 and 12 recite different limitations in the conditioned environment that is utilized in the method of claim 1. Accordingly, Applicant believes that searching the method of claims 1, 4, 6, 8-10, 13, 14, 28, 31, 33-37, 48, 51 and 53-56 with claims 2, 3, 5, 7, 11, 12, 29, 30, 32, 49, 50 and 52 does not impose a serious undue burden on the Office. Therefore, Applicants respectfully request claims 2, 3, 5, 7, 11, 12, 29, 30, 32, 49, 50 and 52 be examined together with claims 1, 4, 6, 8-10, 13, 14, 28, 31, 33-37, 48, 51 and 53-56.

Examination on the merits is therefore respectfully requested and this Application is believed to be in condition for allowance, and such action is earnestly solicited.

If the Primary Examiner has any questions concerning this Response or the Application in general, the Primary Examiner is requested to contact the undersigned at 404-495-3678.

Respectfully submitted,

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